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October 3, 2013

The Honorable Lewis A. Kaplan
United States District Court
Southern District of New York
Via ECF & E-mail

Re: *United States v. Sulaiman Abu Ghayth*
98 Cr. 1023

Dear Judge Kaplan:

This letter is submitted to request a brief adjournment of the schedule concerning the defense expert Dr. Stephen Xenakis. Dr. Xenakis's expert report is currently scheduled for distribution on October 5, and the hearing is set for October 8.

Michael Macisso, the principal CIPA Classified Information Security Officer on this case, is on furlough due to the federal government shutdown. In his stead, I have been in touch with Harry Rucker at the Department of Justice Litigation Security Group in Washington, DC. Dr. Xenakis is located nearby in Arlington, Virginia. Mr. Rucker is helping facilitate the process for Dr. Xenakis to review pertinent classified discovery, communicate with me on a secure line, and use a secure classified information facility ("SCIF") to prepare any classified portions of the forthcoming expert report.

Dr. Xenakis has a previously scheduled meeting that he is obligated to attend tomorrow. He is available to go to the SCIF tonight, however, the facility must close at six o'clock due to the shutdown, and it will also be closed over the weekend. The earliest that Dr. Xenakis will be able to gain access to the classified discovery is Monday.

In light of the circumstances, it is necessary to request that the expert schedule be adjourned ~~ with the expert report to be distributed by October 11, and the hearing to be rescheduled to October 15.

The government does not object to the requested adjournment. The Court's consideration of this application is appreciated.

Sincerely,
s/
Zoe Dolan

Cc: All counsel via ECF
Mr. Michael Macisso & Mr. Harry Rucker